

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**CLARENCE E. BRISCO BEY,
Petitioner.**

v. Docket No:03CR18-001(LPS)

**UNITED STATES OF AMERICA,
Respondents.**

MOTION FOR EARLY TERMINATION

COMES NOW, Petitioner, Clarence Brisco Bey in the style of a pro se litigant and respectfully moves this Honorable Court pursuant to the provisions employed by the following:

Title (18 U.S.C. 3583 (e)(1) for Early Termination of Supervised Release, and title 18 U.S.C. section 3553(a)(1), (a)(2)(B), (a)(2)(C)(a)(2)(D), (a)(4), (a)(5), a)(6), and (a)(7):Petitioner respectfully submits to this Honorable court the following:

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On or about January 14, 2015 Petitioner's sentence that was imposed by the court on March 31, 2004 was in fact and by law reduced/lowered; as a result petitioner was in fact released from the custody of the U.S. Bureau of Prisons on November 1, 2015.

- 1) To date your petitioner has successfully completed one (1) year on supervised release without incident; of which, in the case at bar make your petitioner eligible under the criteria set by law for a modification to his presence status of Supervised Release. 18 U.S.C. 3553 (a)(1).
- 2) Petitioner asserts to this Honorable Court that his sentence as well as his supervised release are each components of a whole, See: U.S. v. ETHERTON, 101 F. 3d. 80 at 1; U.S. v. PASKOW, 11 F. 3d. 873 at 883; KOON v. U.S., 518 U.S. 81, 116 S. Ct. 2035, 135 L. Ed.2d.392

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(1996). Moreover, Petitioner asserts that while the two (2) components are united they do have distinct criteria, and when each of said is met and/or obtained petitioner should receive the benefits from the same (Emphasis added).

3) Petitioner met the criteria for a sentence modification Pursuant to the provisions of Amendment (782) and 18 U.S.C. 358(c)(2) and received the same, now petitioner meets the criteria for termination of his term of supervised release.

EXTRAORDINARY

While petitioner in fact indicted for one (1) kilogram of cocaine, on March 31, 2004 petitioner was sentenced for thirteen (13) kilograms of cocaine and received a sentence of (188) months=15 years & 8 months; of

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which, he serviced 12 years and 6 months, said sentence was predicted on the following factors:

(a) (10)kilograms of cocaine alleged by the government to have been transported from the state of Florida to the state of Delaware on January 17, 2003 by petitioner and a Mr. Nigel Johnbaptisin and by the use of a rental car, said allegations was neither proven n or substantiated by any documentation produced by the government or anyone else.

Petitioner submit to this Honorable Court that it is mathematically impossible to travel in a car from the state of Delaware to the state of Florida and back to the state of Delaware on the same day (twenty four hours. See attachment **(A)** that will serve to substantiate that your petitioner's actual as well as

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factual whereabouts on January 17, 2003:

“Brandywine Drug Counseling Clinic.”

of which in fact is located in Wilmington, Delaware.

- (b) Two (2) kilograms of cocaine delivered to a Mr. Ernest Morris by a Mr. Nigel which petitioner was neither involved nor presented at the time of said event.
- (c) While petitioner was indicted for one kilogram and was in fact sentenced to 15 years and 6 months.

(4) Petitioner has reach the age of seventy one (71) and have experienced three (3) stokes and a major heart attack.

WHEREFORE, your petitioner pray that this Honorable Court will grant him the relief sought by this petition.

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Respectfully submitted,

C E. Briscoe
CLARENCE E. BRISCO BEY

Dated: 11/1/16

Dose History Report

Date	Type	Medication	Lot #	Bottle #	Dosage	Dispensed At	by	Ser.#
		Patient: Brisco-Bey, C. Ebin			ID # 669	Chart #		
01/01/03	Holi	Methadone Liquid			50.0	2002-12-31 09:59	meg	
01/02/03	Disp	Methadone Liquid			50.0	2003-01-02 09:42	meg	
01/03/03	Disp	Methadone Liquid			50.0	2003-01-03 09:29	emily	
01/04/03	AWOL	Methadone Liquid			0.0	2003-01-04 00:00	barbara	
01/05/03	Disp	Methadone Liquid			50.0	2003-01-05 08:45	meg	
01/06/03	AWOL	Methadone Liquid			0.0	2003-01-06 00:00	emily	
01/07/03	Disp	Methadone Liquid			50.0	2003-01-07 09:48	emily	
01/08/03	Disp	Methadone Liquid			50.0	2003-01-08 12:09	barbara	
01/09/03	Disp	Methadone Liquid			50.0	2003-01-09 09:16	barbara	
01/10/03	Disp	Methadone Liquid			50.0	2003-01-10 11:49	barbara	
01/11/03	Disp	Methadone Liquid			50.0	2003-01-11 09:03	ena	
01/12/03	Disp	Methadone Liquid			50.0	2003-01-12 08:42	ena	
01/13/03	Disp	Methadone Liquid			50.0	2003-01-13 09:35	ena	
01/14/03	Disp	Methadone Liquid			50.0	2003-01-14 10:16	ena	
01/15/03	Disp	Methadone Liquid			50.0	2003-01-15 09:03	emily	
01/16/03	Disp	Methadone Liquid			50.0	2003-01-16 11:28	ena	
01/17/03	Disp	Methadone Liquid			50.0	2003-01-17 11:26	ena	
01/18/03	AWOL	Methadone Liquid			0.0	2003-01-18 00:00	barbara	
01/19/03	AWOL	Methadone Liquid			0.0	2003-01-19 00:00	barbara	
01/20/03	AWOL	Methadone Liquid			0.0	2003-01-20 00:00	emily	
01/21/03	AWOL	Methadone Liquid			0.0	2003-01-21 00:00	emily	
01/22/03	AWOL	Methadone Liquid			0.0	2003-01-22 00:00	emily	
01/23/03	AWOL	Methadone Liquid			0.0	2003-01-23 00:00	emily	
01/24/03	AWOL	Methadone Liquid			0.0	2003-01-24 00:00	meg	

ATTACHMENT (A)

Brandywine Counseling

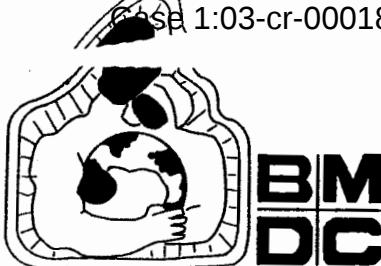
2713 Lancaster Avenue
Wilmington, Delaware 19805

C. Elvin Frisco Key
01976 066
K.S.C.I Allenwood
P.O. Box 1000
White Deer, PA 17687

6/11/10



17887+1000=88-8999



Black Man's Development Center, Inc. - *The Key to Unlocking Human Potential*

November 11, 1993

To whom it may concern:

RE: Clarence Brisco-Bey

This letter is to highly recommend Mr. Brisco Bey as a prized and trusted employee of Black Man's Development Center. In my estimation he would be well suited for any program of study. He has an unusual thirst for knowledge and a uniquely cooperative spirit.

Mr. Brisco-Bey is a valued new staff member. He takes initiative to do more than is asked. He uses good judgment and common sense. He has a positive attitude in the office and in his approach to life in general.

I have observed that he is well-respected not only by us, but by his family and the larger community in which he lives. He is honest, hardworking, and intelligent.

If you have any further questions, please feel free to contact me.

Respectfully,

Jamal Mubdi-Bey
Executive Director

JMB/mls

1703 West Fourth Street Wilmington, DE 19805 (302) 429-0206

BMDC has become a respected and integral part of the criminal justice system, bridging the gap between the rigidity of institutions and the special needs of human beings. Robert A. Watson, Commissioner of Corrections

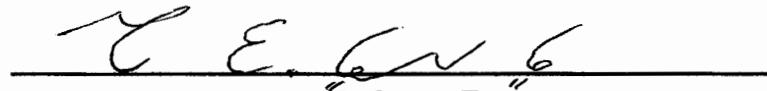
CERTIFICATE OF SERVICE

Under signed do certify that one true copy of the following material:

MOTION FOR EARLY TERMINATION

Was placed in the United States Mail on **11-1-16** designate to the following persons:

Lesley F. Wolf,	Angelica Ramirez
U.S. Attorney's Office	U.S. Probation Office
The Nemours Building	844 King St. Unit 39
1007 Orange St. Suit 700	Wilmington, DE 19801
P.O. Box 2046	
Wilmington, DE 19899	



C E. Brisco Bey